

MOTION BY SUPERVISOR MARK RIDLEY-THOMAS

June 2, 2015

**Opposition to Assembly Bill 1123 - Transfer of Alternative Dispute Resolution Programs**

Assembly Bill 1123 (Mayes) would permit a county to transfer the operations of an established alternative dispute resolution program to the superior court in the county. The Dispute Resolution Programs Act of 1986 (Chapter 1313, Statutes of 1986 and Chapter 28, Statutes of 1987) (Act), provides for the establishment, funding and use of local dispute resolution programs.

In considering the Act's implementation, the Legislature determined that the resolution of disputes could be unnecessarily costly, time-consuming, and complex when achieved through formal court proceedings. In an attempt to achieve more effective and efficient dispute resolution, the Legislature encouraged greater use of alternatives to litigation, such as mediation, conciliation, and arbitration.

In order to achieve effectiveness and efficiency and facilitate more flexible forums to work out disputes, the Legislature created the Act to encourage counties to utilize these less formal, less costly programs for the resolution of disputes. Since the Act was established, many counties have created local alternative dispute resolution programs to assist persons who wish to resolve disputes prior to trial.

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**MOTION**

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Although some counties contract with the courts to handle the operations of their alternative dispute resolution programs, their authority to do so is not clear in the Act. Assembly Bill 1123 (Mayes) will allow counties and courts to formalize their existing practices of transferring the responsibility for operating such programs to the courts and will allow other counties and courts who may wish to do so to contract for the transfer of alternative dispute resolution programs and their revenue, from the county to the court. However, the legislation does not include any measures to safeguard the community mediation services funding as originally intended in the Act.

The measure should be amended to contain a provision that ensures continued funding of a wide variety of community mediation services originally contemplated by the Act and not a means to divert these dollars to the underfunded court system. Assembly Bill 1123 (Mayes) is seeking a statewide solution to a local issue.

**I THEREFORE MOVE THAT THE BOARD OF SUPERVISORS DIRECT THE INTERIM CHIEF EXECUTIVE OFFICER TO:**

- Instruct Los Angeles County's Sacramento advocates to oppose Assembly Bill 1123 (Mayes) unless amended to contain a provision that ensures continued funding of a wide variety of community mediation services originally contemplated by the Dispute Resolution Programs Act of 1986.

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